

Serial No. 10/827,162  
Inventor(s): Samuel M. Caudell

USPTO Customer No. 25280  
Case No.:5326A

### REMARKS

#### Changes to the Specification

Please add the following at page 1, line 4 of the specification:

#### **CROSS-REFERENCE TO RELATED APPLICATIONS**

This application claims the benefit of and priority from United States Co-pending Application 10/303,195 filed November 25, 2002, the contents of which are hereby incorporated by reference in their entirety as if fully set forth herein.

#### Discussions of the Rejections

Claims 1, 5-8, 12-14, and 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton (4,557,968) in view of Klein (4,771,596).

The Office Action states that Thornton discloses a static electrically dissipating woven fabric comprising a grid of conductive filament yarns, and that Thornton also discloses that conductive spun yarns may form electrically conductive junctions between the conductive filament yarns. The Applicants respectfully disagree.

Thornton discloses spun yarns in the base fabric, but teaches away from the use of spun yarns stating that it is preferred to use filament based yarns rather than spun yarns in the base fabric to reduce the likelihood of pieces of spun yarn becoming a contaminant. (Col 5, lines 16-19). Thornton states that it is possible to use conductive yarn or a combination of conductive and non-conductive yarn in the base fabric, but teaches away from using conductive yarns stating that they are more expensive and do not provide a commensurate increase in electrostatic dissipating performance. (Col 5, lines 23-27) The Office Action acknowledges that Thornton does not contemplate spun yarns that comprise a plurality of electrically conductive staple fibers in spun relation with a plurality of substantially nonconductive natural or synthetic staple fibers and wherein said plurality of electrically conductive staple fibers are dispersed

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throughout said spun yarns such that said plurality of electrically conductive staple fibers define a network of electrically conductive junctions along the length of said spun yarns and between said spun yarns at locations where said spun yarns meet. The Office Action states that Klein discloses that it is known in the antistatic fiber art to use spun yarns comprising a plurality of electrically conductive staple fibers in spun relation with a plurality of substantially nonconductive natural or synthetic staple fibers and that it would be obvious to combine the fabric of Thornton with the conductive spun fiber of Klein. The Applicants respectfully disagree.

The only teaching, suggestion, or motive for such modifications comes from the Applicant's own disclosure. Only by hindsight use of the present invention is this combination suggested. It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). For these reasons, the Applicants respectfully submit that the claimed invention is not obvious over Thornton in view of Klein.

Regarding claims 8 and 17, the Office Action states that Thornton discloses electrically conductive non-metallic carbonaceous fibers and that it would be obvious to make the conductive staple fibers from carbonaceous staple fibers. The Applicants respectfully disagree with this analysis. Thornton teaches that the conductive yarns may be formed from carbon-doped polyester filaments, not teaching, suggesting or disclosing carbon doped staple fibers. Additionally, Klein does not teach or suggest the use of carbonaceous staple fibers. Staple fibers and filaments are very different in physical and processing requirements and therefore the Applicants respectfully submit that carbonaceous staple fibers in the spun yarns are not obvious over Thornton or Klein, separately or in combination.

All other rejections are based off of the combination of Thornton and Klein with additional art and therefore the applicants rely upon the arguments set forth above.

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**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner find that any issues remain outstanding following consideration of this Response, she is invited to telephone the undersigned in the interest of resolving such matters in an expedient manner.

**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully submitted,



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